

STATE OF TEXAS §  
COUNTIES OF ARANSAS §  
SAN PATRICIO AND NUECES §  
CITY OF ARANSAS PASS §

On this the 2<sup>nd</sup> day of April, 2007 the City Council of the City of Aransas Pass convened in a Regular Council Meeting being open to the Public at the regular meeting place thereof in the City Hall and notice of said meeting giving the time, place, date and subject hereof having been posted and prescribed by Chapter 551 of the Texas Government Code with the following attendance to wit constituting a quorum.

PRESENT: Frank Hametner Mayor  
Tommy Knight Mayor Pro Tempore  
Jay Attaway, Council Member  
Grace Chapa, Council Member  
Vickie Abrego, Council Member

ABSENT:

ADMINISTRATIVE  
PERSONNEL PRESENT: Mike Sullinger, Interim City Manager  
Allen Lawrence, City Attorney  
Ada Owens, City Secretary

ADMINISTRATIVE  
PERSONNEL ABSENT: None

STAFF PRESENT: Darren Gurley, Public Works Director  
Frank Truitt, City Inspector  
Sandy Roddel, Finance Director  
Gilbert Ritz, Fire Chief

OTHERS PRESENT: Odilia Lopez, Linda Lopez, Ralph & Lu Arcemont, Don & Cleatis Anderson, Mary Schewe, Lorie Gillman, Belinda Ritz, Marysue Eulitz, Jim & Alpha Covington, Gwenland Sulinger, Mike & Shelly O'Dell, Don & Jeanie Brummett, Jean Burkhart, Patty Gilden, Rosemary Upton, Bon & Bunny Williams, Joan Dickson, Lou McCleese, Carrol Overturf, San Patricio County Commissioner Jim Price, Ann P. Melton, Eva L. Youing, Donna Cherry, Capt. Fred J. Comingore, David Mason, Ethan Wallingford, Azzen Lowe, Matthew Stanford, J.P. Crane, Aaron Jayne, Rudy Rameriz, Zachary Wallingford

(There may have been others present who did not sign in.)

**ITEM 1. CALL MEETING TO ORDER.**

Mayor Hametner Mayor called the meeting to order at 7:00 p.m. on April 2, 2007.

**ITEM 2. INVOCATION AND PLEDGE OF ALLEGIANCE TO THE UNITED STATES FLAG.**

City Manager Mike Sullinger gave the Invocation. Council Member Abrego led the Pledge of Allegiance to the United States Flag.

**ITEM 3. CITIZEN’S COMMENTS AND MAYOR’S QUESTION AND ANSWER SESSION.**

There were none.

Mayor Hametner recognized County Commissioner Jim Price and the “Skate Board Group” consisting of seven young men, who stated they were glad the Council was considering a skate park and thanked the Council for their help.

**ITEM 4. CONSENT AGENDA – “All of the Following items on the Consent Agenda are considered to be routine by the City Council and will be enacted with one motion. There will be no separate discussion of these items unless a Council Member so requests. If discussion is desired that item will be removed from the Consent Agenda and will be considered separately”.**

- A. Approval of Minutes of March 19 and March 26, 2007.
- B. Consider and Act on Request of Project Graduation to use the pool on Graduation night Friday May 25, 2007 from 12:00 midnight until 2:00 a.m.
- C. Consider and Act on Budget amendments.
- D. Consider and Act on Approval of a Contract for Joint Election Agreement and Contract for Election Services with San Patricio County.

Mayor Pro Tempore Knight made the motion to approve the Consent Agenda with a correction to the minutes. Council Member Attaway seconded the motion and the motion carried unanimously.

**ITEM 5. PRESENTATION OF FISCAL YEAR 2005 - 2006 AUDIT BY MR. MICHAEL ARNOLD, PLLC.**

Mr. Michael Arnold, PLLC stated the opinion was unqualified or clean opinion on the financial statements which states they are fairly presented in accordance with generally accepted accounting principles.

Mr. Arnold gave the following report:

<u>General Fund</u>	<u>APMDD</u>	<u>Debt Service</u>	<u>Capital Improvements</u>	<u>Other Funds</u>	<u>Total</u>
Total Fund Balances:					
\$911,070	\$3,671,528	\$459,060	\$9,877	\$845,194	\$5,896,729
Net Changes in the Fund Balances					
\$138,718	\$342,214	(\$8,085)	\$11,677	(\$25,537)	\$458,987
Change in Net Assets/Net Income					
Water/WW Fund	Harbor Fund	Aquatic Center Fund			
\$853,873	\$194	*\$11,987			\$866,045
*after reimbursement from General Fund					

Mr. Arnold stated the main funds of the City, the General Fund and Water and Sewer Fund had a positive year so the City is moving in the right direction. He stated in the opinion on internal controls and compliance, he had not found any weakness in the City’s internal controls or any instances of noncompliance.

Mr. Arnold stated he had also issued a letter with recommendations regarding updating accounting software, amending the budget when needed, maintaining an inventory of fixed assets, and establishing a capitalization policy.

The City Manager stated the suggestions Mr. Arnold made were being implemented.

Mayor Hametner thanked Mr. Arnold for the audit and recommendations for the City.

The City Manager stated Mr. Arnold had to include required supplementary information regarding the provision in the APDG contract that is under litigation.

Mayor Hametner stated the City did not recognize that contract as valid.

Mr. Arnold stated he had also included the fact that the City was vigorously contesting the validity of the contract in his report.

**ITEM 6. CONSIDER AND ACT ON APPOINTMENT TO THE BASE REDEVELOPMENT COMMISSION.**

County Commissioner Jim Price stated the BRAC debate had been going on for quite awhile and there was an effort to get the surrounding areas together to form one cohesive unit. Due to differences with Nueces County, it was decided to stay with the original executive committee which was the Nueces County Judge, San Patricio County Judge, Port Commissioner Judy Hawley, a representative from real estate from Portland, the Mayor of Ingleside, the Mayor of Corpus Christi and others. He stated one subcommittee was the Base Redevelopment Commission (BRC) and was, he thought, the most important committee. The BRC would decide what development would replace the Navy (on what is now Naval Station Ingleside). He stated he had brought the fact that Aransas Pass was not represented on the committee to the attention of Ms. Hawley, the chairperson of BRC, who stated she would be glad to have a representative from Aransas Pass on the committee.

Mayor Hametner made the motion to appoint Mayor Pro Tempore Knight to the Base Redevelopment Committee. Council Member Abrego seconded the motion and the motion carried unanimously.

**ITEM 7. DISCUSSION REGARDING SKATE PARK.**

Mayor Hametner stated Council Member Chapa had worked diligently on the skate park project.

Council Member Chapa stated the young men present (David Mason, Ethan Wallingford, Ozzen Lowe, Matthew Stanford, J.P. Crane, Rudy Ramirez, Zachary Wallingford) had been before the Council twice before to ask that the City build a skate park and she sees them skating in parking lots or anywhere they can. She stated she had done research on some of the skate parks in the area and on the internet. There are five skate parks in the area, three are in Corpus Christi, one in Ingleside and Portland and there is one in Rockport that is not on the website. There was a lot of information on the website about skate parks, about the size, designers, and the cost. Naismith Engineering had designed two of the parks and she thought it would be

worthwhile to consult with Dave Sullivan (Naismith Engineering) in regard to the process (of building a skate park). She stated the parks ranged in price from \$90,000 to \$400,000. She was not looking for something big for the kids, just a place for them to go. She stated the big issue was the funding. She had spoken to Grantworks and was told there was program that would probably support \$7,500 to \$8,000 for a skate park and the deadline for that grant is January 31, 2008. She stated the Council should look at and apply for grants for the kids. The Temple of Praise Church may also have some funding. There are also foundations such as Foundations.org, the Coastal Bend Foundation who has given over \$86,000 to the community which funds scholarships, Project Graduation, and Teacher of the Year Awards. The Overbid Trust donates to the Library. Some of the restrictions include using funds for recreational structures for the people of Aransas Pass. The Lion's Club and Women's Club have funded some projects around town. Any private donations would be appreciated. She stated that she was thinking about locating the skate park on N. McCampbell, but she would like to talk to the Chief of Police about the crime in the area and see what the residents thought about the park or locate the park at the pool. She stated it would get the kids off the street, give them a safe place to skate, it would build the kid's self esteem.

Mayor Hametner thanked Council Member Chapa for all the work she put into finding the information about the skate park. He asked Council Member Chapa if she would consider being a spokesperson or chairperson as a representative of the City when the project got started.

Council Member Chapa stated yes.

Mayor Hametner gave Member Chapa several suggestions for contacts of the local organizations.

The City Manager stated if the City uses Grantworks for the project the application would be applied in January 2008 and could not start the project until 2009. He stated the grant had a 50% match which meant if the City got an \$80,000 grant, the City would have to come up with a \$40,000 match. He stated he had invited Mr. Aaron James from the Temple of Praise to speak to the Council.

Mr. Jayne stated in discussions with Portland, Ingleside, Rockport and Corpus Christi, all have concrete skate parks which start at a minimum of \$100,000 and can range up to \$700,000. He stated he had spoken to the City Manager and Council Member Chapa about mobile equipment, modular jumps and ramps that could be placed indoors or somewhere covered. He had considered putting the equipment in the building the church now uses as a boxing club, but the open hours would depend on having personnel there to keep the building open. He stated the church's insurance would cover the skaters with rules posted for use of safety equipment. After speaking with the City Manager he had learned the Texas Legislature had passed legislation that all municipalities are indemnified for skate parks, the skaters would skate at their own risk and there would be no repercussions on the City. He stated this type of equipment was a quick solution to the problem if the funding is two years away. A skate park built with the modular equipment could be built for \$20,000 up to \$100,000 and not have to wait two years.

Council Member Abrego stated the N. McCampbell location for the skate park is out of sight and the neighborhood may have a problem with the kids hanging out around there. She thought the pool area would be a better location for the park where there would be more people.

Mayor Hametner stated the City needed to get it done (build the skate park) for the benefit of the citizens.

**ITEM 8. PUBLIC HEARING ON REQUEST OF GLOBAL X-RAY/MARK DURHAM TO REZONE LOTS 1 THRU 3 AND 29 THRU 32, BLOCK 575, 603 S. ARCH AND 239 E. GREENWOOD, CITY OF ARANSAS PASS, SAN PATRICIO COUNTY FROM RESIDENTIAL (R-7A) TO GENERAL BUSINESS (GB).**

City Attorney Allen Lawrence declared the Public Hearing open at 7:36 p.m. on the request of Global X-Ray/Mark Durham to rezone Lots 1 thru 3 and 29 thru 32, Block 575, 603 S. Arch and 239 E. Greenwood, City of Aransas Pass, San Patricio County from Residential (R-7A) to General Business (GB). The City Attorney asked if there was anyone present to speak for the request.

Mr. Mark Durham spoke for his request giving the history and the reasons for rezoning his property.

The City Attorney asked if there was anyone present who opposed the request to rezone. He stated the Planning and Zoning Commission had met to consider the matter and recommended approving the request. Seeing no one opposing the request the City Attorney closed the Public Hearing at 7:40 p.m.

**ITEM 9. CONSIDER AND ACT ON REQUEST OF GLOBAL X-RAY/MARK DURHAM TO REZONE LOTS 1 THRU 3 AND 29 THRU 32, BLOCK 575, 603 S. ARCH AND 239 E.**

**GREENWOOD, CITY OF ARANSAS PASS, SAN PATRICIO COUNTY FROM RESIDENTIAL (R-7A) TO GENERAL BUSINESS (GB).**

Mayor Pro Tempore made the motion to approve the request of Global X-Ray/Mark Durham to rezone Lots 1 thru 3 and 29 thru 32, Block 575 from Residential (R-7A) to General Business (GB). Council Member Attaway seconded the motion and the motion carried unanimously.

**ITEM 10. CONSIDER AND ACT ON DEMOLITION OF PROPERTY AT 221 W. GILE, TRACT 2, LANDBLOCK 239.**

City Inspector Frank Truitt made a presentation on the condition of the property formerly condemned and scheduled for demolition by the Council. Mr. Truitt asked that the Council reconfirm their decision to remove the structure. The property had been cleaned somewhat but there were people still living on the property and using a Skid-O-Can. A roof was put on the house without permits and no inspections were done. The property owner claimed they had a windstorm certificate but there was none on the State website. He stated neighbors were present to show their support of having the house removed.

Mayor Hametner asked Mr. Truitt if he had a recommendation for the property.

Mr. Truitt stated the structure should be removed.

Assistant Police Chief Bill Haines stated there had been over 100 Police service calls for this property that included assaults, narcotics violations, drunk and disorderly, family disturbances and other violations. The Council had given the owners a certain amount of time to bring the property up to code. The inhabitants of the property are still having the same situation as two years ago according to undercover officers and informants.

Mayor Hametner stated almost one year ago the Council ordered the property brought up to code and it is obvious that it is not up to code right now.

Council Member Chapa stated the Council should stay with what they decided. She asked Ms. Linda Lopez did they ever get sewer?

Ms. Lopez stated the City was paid and never put the sewer in.

The City Manager stated the Lopez's had put up a deposit of \$8,500 for the sewer extension to the house but he did not want to install the sewer then tear the building down.

Public Works Director Darren Gurley stated he was waiting for the property to be brought up to code before he installed the sewer line.

Mr. Truitt explained the remaining violations regarding the structure.

Ms. Lopez presented windstorm insurance documents for the structure to the Council. She argued that it was not her fault that the roofing contractor did not get a permit for the new roof.

Mayor Hametner stated yes, it was her fault.

Ms. Lopez stated the trash was on the property because the City stopped picking up the trash.

Mr. Gurley stated if the Lopez's have no sewer or water, then they have no garbage service. The Lopez's do not have a utility account with the City.

Mayor Hametner stated the windstorm certificate Ms. Lopez presented was from 1998, therefore invalid.

Mr. Truitt stated the certificate was for inland property, the Lopez's property was in a coastal county. He stated it was a strange certificate with a lot of discrepancies.

After discussion Council Member Chapa made the motion to demolish the property at 221 W. Gile, Tract 2, Land Block 239. Council Member Attaway seconded the motion and the motion carried unanimously.

**ITEM 11. CONSIDER AND ACT ON APPROVAL OF REQUEST OF ARANSAS PASS FOR YOUTH TO USE THE AQUATICS CENTER.**

The City Manager stated there was a matter of price for entry into the pool. He asked the representative from the Aransas Pass for Youth if she wanted the City to approve free entry.

The representative stated yes. The City had charged a reduced rate in the past.

After discussion, Council Member Chapa made the motion to approve a reduced fee of \$1.00 per person for entry to the pool. Mayor Pro Tempore Knight seconded the motion and the motion carried unanimously.

The City Manager and City Attorney stated the contract was ready to be signed.

After discussion, Mayor Pro Tempore Knight made the motion to approve the General Land Office Contract. Council Member Abrego seconded the motion and the motion carried 4 to 1 with Mayor Hametner, Mayor Pro Tempore Knight, Council Members Attaway and Abrego voting yes and Council Member Chapa voting no.

The City Attorney stated the Council should have one or two workshops on the proposed Charter revisions.

The City Manager stated the election on the Charter revisions would not be held until May 2008 and he would prefer the new Council hold workshops on the proposed revisions.

No action was taken.

The City Manager stated the Harbor lease presentation would be given at a Special Council meeting April 9 at 5:30 p.m. and the water rate study would be presented to the Council April 16.

The City Manager asked the Council to turn in their three choices for City Manager from the applications they received.

Council Member Attaway made the motion to adjourn the meeting. Mayor Pro Tempore Knight seconded the motion and the motion carried unanimously.

Mayor Hametner adjourned the meeting at 8:16 p.m.

Frank C. Hametner, Mayor

Ada Owens, City Secretary